IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIFTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 6240 of 2005

Between:

Mohd Sattar, S/o.Mohd Sarwar,
H.No.5-6-285/6, New Aghapura, Nampally,
Hyderabad.

..... PETITIONER

AND

The Superintendent of Central Prison,

Cherlapally, Ranga Reddy District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus, direct the Superintendent of Central Prison, Cherlapally, Ranga Reddy District, to grant temporary release the C.T.No.3104 Mohd Sarwar on parole, to attend his ill- health father assistance as elder son.

Counsel for the Petitioner:MR.PRAKASH CHAKRAVARTHY

Counsel for the Respondent No.: GP FOR HOME

The Court made the following :

ORDER:

This writ petition is filed by the petitioner to direct the Superintendent of Central Prison, Cherlapally, Ranga Reddy District to grant temporary release of his brother Mohd.Sarwar (C.T.No.3104) on parole to attend his ill-health father as he is elder son.

Heard the learned counsel for the petitioner and the learned Government Pleader for Home.

On 24-03-2005, the learned Government Pleader for Home requested the Court to grant time to get instructions from his Department. On 25-04-2005, the learned Assistant Government Pleader for Home submits that earlier the petitioner was granted parole by the Principal Secretary to Home on 02-07-2004. This time the petitioner, instead of approaching the same authority, filed the petitions before the Inspector General of Prison and the Station House Officer for parole respectively. Therefore, it is for the petitioner to approach the competent authority under the Act for grant of parole.

As per the submission of the learned Government Pleader, the petitioner on

the earlier occasion has rightly approached the proper authority. But, I do not understand what circumstances prevented him subsequently to approach the same authority. Therefore, in view of the facts and circumstances of the case, the Writ Petition is not maintainable and it is devoid of merit.

The Writ Petition is accordingly dismissed. No order as to costs.

However, It is open for the petitioner to approach the Principal Secretary to Home for grant of relief.

---------- 25-04-2005. Elipe Dharma Rao,J

Stp

To

1)The Superintendent of Central Prison,

Cherlapally, Ranga Reddy District.

2) Two CCs to G.P. for Home, High Court of A.P.,Hyderabad.(OUT).

3) 2 CD copies

*Form-NIC-OGS/WP{**JA**}*